

REMARKS

The Office Action dated June 18, 2003, has been received and carefully noted. The amendments made herein and the following remarks are submitted as a full and complete response thereto.

As a preliminary matter, Applicants appreciate the indication of allowable subject matter in claim 7 of the present application.

Claims 1-8 have been amended. New claims 9 and 10 have been added. Applicants submit that the new claims as well as the amendments made herein are fully supported in the specification and the drawings as originally filed, and therefore no new matter has been added. Accordingly, claims 1-10 are pending in the present application and are respectfully submitted for consideration.

Claims 1-6 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Lipps et al. (US Patent No. 5,741,182, hereinafter "Lipps") in view of Tosaki et al. (US Patent No. 6,517,438 B2, hereinafter "Tosaki"). In making this rejection, the Examiner took the position that Lipps discloses substantially all of the elements in the claimed invention with the exception of showing a "signal output means incorporated in said input means to output an acceleration correlated signal according to an acceleration upon moving said input device in the three-dimensional space; and a game processor for receiving the acceleration correlated signal and causing a change in the ball character displayed on the screen." The Examiner cited Tosaki for allegedly curing the deficiencies which exist in Lipps. Applicants respectfully submit that each of claims

1-6 and 8 recites subject matter that is neither disclosed nor suggested by the cited prior art.

Claim 1 recites a sensing ball game apparatus for playing a ball game by displaying at least a ball character on a screen of a television monitor. The sensing ball game includes an input device to be moved in a three-dimensional space by a game player, signal output means incorporated in the input device to output an acceleration correlated signal according to an acceleration upon moving the input device in the three-dimensional space, and enabling means for enabling said signal output means to output the acceleration correlated signal when a level of the acceleration correlated signal is equal to or larger than a predetermined level. The sensing ball game also includes a game processor for receiving the acceleration correlated signal and causing a change in the ball character being displayed on the screen.

Accordingly, at least one of the essential features of the present invention is an “enabling means for enabling said signal output means to output the acceleration correlated signal when a level of the acceleration correlated signal is equal to or larger than a predetermined level.” As such, the present invention results in the advantage of having a game apparatus for enjoying a ball game with a realistic feeling while using a television monitor.

It is respectfully submitted that the prior art fails to disclose or suggest each and every element of the Applicants' invention as set forth in claims 1-6 and 8, and therefore fails to provide the advantages which are provided by the present application.

Lipps discloses a video baseball simulating game and a special bat containing a combination of electronic, mechanical, and optical components for providing infrared radiation or other energy (typically electrical) that is modulated when the player swings the bat and thus actuates a centrifugal switch therein. Receiving and decoding means receive the energy and, responsive thereto, provide digital signals to software in the video game to control an animated batter in the visual display therein.

Tosaki discloses an input device, game device, and method and recording medium for same. The input device (bat) 50 of Tosaki comprises a holding section 51 which is held by the player and an end section 52. A trigger switch SW which the player presses at the instant he or she swings the input device 50, and an eccentric motor M which forms vibration transmitting means for transmitting vibrations to the player, are provided in the holding section 51. An acceleration sensor S for detecting the acceleration induced in the input device 50 is provided in the end section 52. When the player moves the input device 1, the acceleration acting on the input device 1 is detected by the acceleration sensor 105. This data is converted to digital data by the encoder 106 and then transmitted to the game processing device 2 via the multiplexer 107.

Applicants respectfully submit that each and every element recited within claim 1 is neither disclosed nor suggested by Lipps and/or Tosaki, taken alone or in combination. In particular, Applicants submit that the sensing ball game apparatus as recited in the present application is clearly distinct from that which is illustrated by the combination of the cited prior art. Specifically, it is submitted that the cited prior art fails

to disclose or suggest at least the element of an enabling means for enabling said signal output means to output the acceleration correlated signal when a level of the acceleration correlated signal is equal to or larger than a predetermined level.

Applicants submit that Lipps merely detects the timing of a bat swing, and does not factor the speed of the swing and the like into the workings of the game. Furthermore, Tosaki discloses a trigger switch that must be depressed in order for the player to swing the input device, which provides an uncomfortable feeling when the player is playing the game and it does not provide for a realistic feeling of playing the game. In other words, in order to play the game of Tosaki, the player must depress the trigger switch provided on the input device, which does not provide a realistic feel of any game.

In contrast, the present invention provides an input device that obtains the acceleration correlated signal. Specifically, the present invention allows the player to play the ball game as if the player is actually playing the real ball game with a more realistic feel. Therefore, it is submitted that the combination of Lipps and Tosaki fails to teach or suggest at least an enabling means for enabling said signal output means to output the acceleration correlated signal when a level of the acceleration correlated signal is equal to or larger than a predetermined level. Thus, Applicants submit that Lipps and/or Tosaki, taken alone or in combination, fails to disclose each and every element recited in claim 1 of present application, and therefore is allowable.

As for claims 2-6 and 8, it is submitted that each of claims 2-6 and 8 is dependent on independent claim 1. As such, each of claims 2-6 and 8 is also allowable due to its dependency on allowable claim 1.

As for new claims 9 and 10, it is submitted that each of claims 9 and 10 is dependent on independent claim 1. As such, each of new claims 9 and 10 is also allowable due to its dependency on allowable claim 1.

In view of the above, Applicants respectfully submit that each of claims 1-10 recites subject matter that is neither disclosed nor suggested in the cited prior art. Applicants also submit that the subject matter is more than sufficient to render the claims non-obvious to a person of ordinary skill in the art, and therefore respectfully request that claims 1-10 be found allowable and that this application be passed to issue.

If for any reason, the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper has not been timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, referencing docket number 100341-00008.

Respectfully submitted,

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Enclosures: Petition for Extension of Time (1 month)